

TOWN OF BROOKS

BYLAW NO. 04/28

A BYLAW OF THE TOWN OF BROOKS IN THE PROVINCE OF ALBERTA TO PROVIDE FOR THE ESTABLISHMENT OF A MUNICIPAL PLANNING COMMISSION AND TO PRESCRIBE THE FUNCTIONS AND DUTIES OF THE COMMISSION.

WHEREAS, Section 626 of the Municipal Government Act, RSA 2000, c-M-26 and regulations as amended, provides that a Council may establish a Municipal Planning Commission; and,

WHEREAS the Council of the Town of Brooks deems it advisable to establish a Municipal Planning Commission;

NOW THEREFORE, the Council of the Town of Brooks, in the Province of Alberta, hereby enacts as follows:

TITLE

1. This Bylaw may be referred to as the "Municipal Planning Commission Bylaw".

DEFINITIONS

2. In this Bylaw, unless the content otherwise requires:
 - a) "**Act**" means the Municipal Government Act RSA 2000 c-M-26 and regulations made under the Municipal Government Act as amended;
 - b) "**Bylaw**" means the Town of Brooks Bylaw No. 04/28 as may be amended from time to time;
 - c) "**Chief Administrative Officer**" means the Person appointed to the position of chief administrative officer by the Council of the Town of Brooks and includes any Person that the Chief Administrative Officer may appoint as his designate for purposes of carrying out his responsibilities under this Bylaw and further includes any Person that may be appointed to act in the absence of the Chief Administrative Officer;
 - e) "**Commission**" means the Town of Brooks Municipal Planning Commission;
 - d) "**Council**" means the Municipal Council of the Town of Brooks;
 - e) "**Town**" means the Town of Brooks, a Municipal Corporation in the Province of Alberta, or the geographical area contained within the boundaries of the Town of Brooks, as the context may require.

GENERAL RULES OF THE COMMISSION

3. The Brooks Municipal Planning Commission, hereinafter referred to as the Commission is hereby established.
4. The Commission shall consist of the following members:
 - a) Not more than two members of the Council of the Town of Brooks, appointed annually at the Organizational Meeting of the Town;
 - b) Seven citizens-at-large who are residents of the Town of Brooks, appointed by resolution of the Council.
5. The Term of Office for members other than Council members of the Commission shall be:
 - a) For a full two-year term;
 - b) A member of the Commission shall be eligible for reappointment to the Commission, but in no case shall a member serve for more than three consecutive 2-year terms. A member of the Commission who has served for three consecutive 2-year terms, after an absence of one year from serving on the Commission, may be appointed to the Commission for up to a further three terms.
 - c) Any member of the Commission who is appointed as a citizen-at-large and who is absent from three (3) consecutive regular meetings of the Commission, without being authorized by a resolution of the Commission, shall forfeit his seat and the Council shall appoint another member to complete the unexpired term.
 - d) When a vacancy occurs on the Commission the Council shall, by resolution, appoint an eligible person to fill the unexpired term.
6. The members of the Commission shall serve without remuneration.
7. The Commission shall elect a Chairman and Vice Chairman but in no case shall a Member of Council be elected to either of these positions.
8. Any member of the Commission may resign therefrom at any time upon sending a written notice to the Secretary of the Commission to that effect.
9. Any member of the Commission may be removed from the Commission by resolution of Council for reasonable cause.

10. All Commission members when present at the meeting shall vote on all matters unless:
 - a) in a specific case the member is excused by resolution of the Commission from voting; or
 - b) the member is disqualified from voting by reason of pecuniary interest.
11. A quorum of the said Commission shall be a majority of the existing members of the Commission.
12. The municipal office of the Town of Brooks shall provide a Secretary to prepare agendas and record the minutes of the meetings.
13. The Minute Book shall be kept and minutes of all regular and special meetings shall be recorded therein by the Secretary.
14. The Commission shall meet at regular intervals to undertake the duties assigned to it. Regular meetings, dates and times, shall be determined by majority vote from appointed members of the Commission.
15. Special meetings may be called by the appointed Chairman on written request of the majority of the appointed members of the Commission on twenty-four hours notice.
16. The Commission is hereby authorized to make decisions with respect to applications for development permits, in accordance with the Land Use Bylaw and other statutory plans of the Town of Brooks.
17. The Commission shall receive and consider all applications for development placed before it, including the recommendations of the Development Authority and other advisors of the Council and shall:
 - a) approve such applications with or without conditions; or
 - b) refuse such applications stating the reasons therefore; or
 - c) table such applications stating the reasons therefore.
18. In considering an application before it, the Commission shall give due regard to the circumstances and merits of the application and to the purpose, intent and scope of the Land Use Bylaw.
19. The Commission shall not make decisions upon applications for development in a Direct Control District unless the Council in accordance with the Act has first prescribed the type of development which may take place in the district concerned.

- 20. The Commission shall review matters referred to it by the Council or Development Authority and forward its comments and recommendations to the Council or Development Authority.
- 21. The Commission shall review all subdivision applications referred to it and forward their recommendations to Council.
- 22. Members attending out-of-town functions approved by the Council will be reimbursed for out of pocket expenses in accordance with Town policy.
- 23. The Town of Brooks shall be the signing and administrative authority for all cheques, vouchers and monies received and spent. Neither the Municipal Planning Commission nor any member shall have the authority to pledge the credit of the Town of Brooks in connection with any matter whatsoever.

SEVERABILITY

- 24. It is the intention of Council that each separate provision of this Bylaw shall be deemed independent of all other provisions herein and it is the further intention of Council that if any provision of this Bylaw is declared invalid, all other provisions hereof shall remain valid and enforceable.

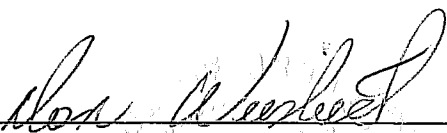
REPEAL OF BYLAW

- 25. That Bylaw No. 95/27 and amendments are hereby repealed.

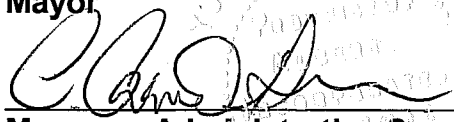
EFFECTIVE DATE

- 26. This Bylaw shall take effect at the date of final passing thereof.

Read a first time this 1st day of November, 2004
 Read a second time this 1st day of November, 2004
 Read a third time and finally passed this 1st day of November, 2004



 Mayor



 Manager, Administrative Services

